

MEETING OF
THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy. Dover, Delaware, November 17, 2010, with the following members in attendance:

Robert F. Garey, Chairman
William Vanderwende, Vice Chairman
William "Chip" Narvel, Jr., Secretary
L. Allen Messick, Jr., Treasurer
Robert L. Emerson

Edwin Kee, Secretary of Agriculture
Lisa Embert representing Velda Jones-Potter, State Treasurer
Kevin Coyle representing Collin O'Mara Secretary of DNREC
Theodore P. Bobola, Jr.

Absent: Steven Ditmer.

The following staff members were in attendance: Michael McGrath, Howard Mesick, Milton Melendez, Cathy Mesick, Kathi Spangler, and Robin West.

Others in attendance: William Denman, Esq., legal counsel for the Foundation, Ms. Theresa Cole (Del DOT), and Ms. Debbie Cottrell (Del DOT), and Austin Short, Deputy Secretary of Agriculture.

Chairman Garey opened the meeting at 8:30 a.m. with prayer.

I. Progress Report:

Milton Melendez informed the Board that we have a total of 1,065 farms in preservation districts totaling 154,465 acres, with a total of 630 farms under agricultural easements totaling 99,892 acres at a cost of \$174,739,304. For PDR 16, there are a total of 42 farms, comprising 3,871 acres, with a value of \$40,155,000. For PDR 17, there are a total of 13 farms, comprising 963 acres, with a value of \$9,796,000. For the Forestland Preservation Program there are 40 Forestland Preservation Areas comprising 2,878 acres. For the Forestland Preservation Area Easements, there are a total of 9 properties, comprising 872 acres, with a value of \$1,450,804.

II. Expansion Eligibility & Final Approval:

1. Fannie Mae Expansion of the C. Rodney Sharp District, ID#S-10-06-112B. After discussion, **Allen Messick moved to accept for eligibility/final approval the Fannie Mae Expansion of the C. Rodney Sharp District, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**
2. Fannie Mae Siblings Expansion of the C. Rodney Sharp District, ID#S-10-06-112C. After discussion, **William Vanderwende moved to accept for eligibility/final approval the Fannie Mae Siblings Expansion of the C. Rodney Sharp District, seconded by Kevin Coyle. Motion unanimously approved.**

III. Expansion Eligibility & Final Approval (Contingent Sale):

1. E & M Isaacs Expansion #3 of the Isaacs #3 Reed-Jensen District, ID#S-10-10-156F After discussion, **Kevin Coyle moved to accept for eligibility the E & M Isaacs Expansion #3 of the Isaacs #3 Reed-Jensen District contingent upon sale of the property, seconded by Lisa Embert. Motion unanimously approved.** It was noted that the District Agreement for this property would be contingent on the sale of the property.

IV. Secretary of Agriculture's Veto – Secretary Ed Kee waived the right of veto for the above Expansions.

V. Public Comments – There were no public comments.

VI. Minutes:

Chairman Garey asked if there were any comments or changes to the October 20, 2010, minutes. Hearing none, the Chairman asked for a motion to approve the minutes. **Kevin Coyle moved to approve the October minutes, seconded by Chip Narvel, Jr. Motion unanimously approved.**

VII. Financial Highlights:

Howard Mesick then presented the Financial Statement for the month of October 2010, informing the Foundation Board that we had, as of October 31, 2010, \$284,436.04 in the Foundation's interest bearing State of Delaware account. We received \$55.39 from rollback taxes, \$350.54 interest income, and \$280.00 from license plates. Expenditures for the month of October totaled \$32,444.51. After discussion, **Kevin Coyle moved to approve the October 2010 financial statement as presented, seconded by Chip Narvel, Jr. Motion unanimously approved.**

Michael McGrath informed the Board that our offer of \$20,000 in payment for the Federal audit has been approved by the Auditor's Office. This is much better than the original amount of money that was requested for the Federal audit. Secretary Ed Kee advised the Board that we have a request in for \$6M for the next fiscal year. Milton Melendez mentioned that NRCS will be awarding us \$4.9M for next fiscal year as well.

Secretary Ed Kee talked about a new program that would be called the Young Farmers Legacy Program, which would be started with \$3M to offer low cost loans to young farmers, part of which would be offset by a preservation easement on the property. One third of the loan could be offset by the easement, and the payments on the loan would go into a revolving fund. There would be low or zero interest on these loans.

Chairman Robert Garey signed the loan agreement for the funds borrowed from the Wilson account. This funding was used for Purchase of Development Rights in Round 15.

VIII. Executive Session – Mr. Denman indicated that there was no need for an executive session.

IX. Other Business:

1. Parcel Vogl District Properties – Del DOT Easements: K-95-06-041-3, Parcel 6-00-158.00-01-27.00, Anthony E. Vogl & Ernest J. Vogl, Jr.; K-97-02-041C, Parcel 6-00-169.00-01-10.00; John R. Vogl; K-95-06-041-2, 6.00-158.00-01-10.00-000, Vogl Bros.; and K-95-06-041-1, Parcel 6.00-158.00-01-28.00-000, Ernest and Cathy Vogl.

Bill Denman presented the request by Del DOT to place easements on the Vogl properties, which are subject to farmland preservation easements. There are four parcels involved on which a permanent easement is requested on portions of each parcel (ranging in size from 836 square feet to 3,200 square feet). Temporary construction easements would also be needed for these parcels (ranging in size from 841 square feet to 4,525 square feet.) Mr. Denman also reported that for each parcel, fee simple title to a small section of the land would be acquired by Del DOT. The proposed purchase price for the fee simple title ranged from a low of \$50.00 to a high of \$150.00. As required by Delaware law, the Foundation would receive a portion of the price paid for the transfer of fee simple title to Del DOT. Ms. Theresa Cole and Ms. Debbie Cottrell, representing Del DOT, pointed out the exact parcels and easement areas to the Board. These requests are made because in order to make necessary improvements to drainage in the area Del DOT must obtain the proposed easements. After discussion, **William Vanderwende moved that the permanent and temporary easements and fee simple title acquisitions on the four Vogl parcels be allowed, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**

Mention was made that the one of the officer positions on the Board, the position of Secretary, is unfilled. It was mentioned that Chip Narvel, Jr. would be willing to be appointed as Secretary to the Board. After discussion, **Ed Kee nominated Chip Narvel, Jr. as Secretary to the Board, which Mr. Narvel was pleased to accept; Theodore P. Bobola, Jr. moved to appoint Mr. Narvel to the office of Secretary, seconded by Kevin Coyle. Motion unanimously approved.**

X. Adjournment

As there was no further business to come before the Foundation, the meeting adjourned at 9:20 a.m. The next meeting of the Foundation will be held on December 15, 2010 at the Delaware Department of Agriculture, beginning at 8:30 a.m.

Respectfully submitted,

Robert F. Garey
Chairman